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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,989

12/03/2003

Steve McKeown

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04/19/2005

PEARNE & GORDON LLP

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CLEVELAND, OH 44114-3108

EXAMINER

LAI, ANNE VIET NGA

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **10/726,989**

Applicant(s)

MCKEOWN ET AL.

Examiner

Anne V. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 12 recite the limitation "the surveillance locating means". There is insufficient antecedent basis for this limitation in the claim. Suggest change to – the surveillance system --.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griebenow** [WO. 01/46923] in view of **Ogasawara** [US. 6,513,015]

Regarding claims 1 and 7, **Griebenow** discloses a system and a method for detecting, monitoring and identifying objects within an area comprising at least one surveillance means (video camera CC; fig. 2) and one position locating means (reader/RFID) for detecting and monitoring at least one object located within a predetermined area (page 2, line 2 through page. 3, line 8); video data (first object detected) and RFID data (second object detected) are recorded and compared to determine if the data from the video and the RFID are referencing a same target for

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access authorization (into a secure area; page 2, lines 9-27; fig. 4); an operator (manager) is being alerted if access to the area is unauthorized (page. 4, lines 22-33).

Griebenow omits specifying the surveillance means and the position locating means are detecting objects independently. **Ogasawara** teach an integrated position locating and video surveillance for monitoring an area can dependently or independently detect the object in the area (the video graphic images are taken of all persons entering or leaving the establishment regardless of whether or not they possess an ID card; col. 10, lines 34-57). It would have been obvious to one having ordinary skill in the art at the time of the invention was made for adequate controlling access to a secure area, the video monitor must be activated when an intruder is detected independent of whether an RFID is detected or not, to provide live images of the intruder for security reason.

Regarding claims 2-3, 5, 8-9 and 11, **Griebenow** discloses digital video surveillance and RF tracking tags (fig. 2, camera CC, tags reader R).

Regarding claims 4 and 10, **Griebenow** logic algorithm in figure 4 does not show comparison logic in detail, however for computerized control of an establishment (computer room 64, fig. 64), a plurality of software must be used and logic algorithm is inherent.

Regarding claims 6 and 12, **Griebenow** discloses a person without a RFID tag is unauthorized for entrance into the security area (detected by video camera, but no radio response of RFID tag) (page 18, lines 17-19), and it would have been obvious, in a sale business, a hidden tag responsive to polling but not detected by the camera should be reported (claim 11).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clare discloses an EAS system for store using intelligent security tags and transaction data. [US. 5,745,036]

Lamming et al disclose an indexing of audio/video data. [US. 5,321,396]

Lacombe et al disclose a proximity sensing security system. [US. 5,309,144]

Lu et al disclose an identification card verification system. [US. 5,432,864]

Terrier et al disclose a vehicle position determination system and method. [US. 6,219,63]

Lemaire discloses a surveillance method and device for triggering warning during an intrusion in the monitored zone. [WO. 02/23498]

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne V. Lai whose telephone number is 571-272-2974. The examiner can normally be reached on 8:00 am to 5:30 pm, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass Jeffery can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A. V. Lai
April 1, 2005



BRENT A. SWARTHOUT
PRIMARY EXAMINER